

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EMRE GEMICILIK DENIZCILIK TIC. LTD. STL., :

Plaintiff, :

-against- :

MILITARY INSURANCE COMPANY, :

Defendant. :

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ALVIN K. HELLERSTEIN, U.S.D.J.:

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 09.03.09

EX PARTE ORDER FOR
PROCESS OF MARITIME
ATTACHMENT AND
GARNISHMENT

09 Civ. 7611 (AKH)

WHEREAS on September 1, 2009, Plaintiff EMRE GEMICILIK DENIZCILIK TIC. LTD. STL. filed a Verified Complaint herein for damages amounting to \$371,206.60 inclusive of interest, costs, and attorneys' and arbitrators' fees, and praying for the issuance of an ex parte order for Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and

WHEREAS the attorney for Plaintiff has filed a Supporting Affidavit describing the efforts made by and on behalf of Plaintiff to find and serve Defendant within the District; and

WHEREAS the Court has reviewed the Verified Complaint and the Supporting Affidavit, and the conditions set forth in Supplemental Admiralty Rule B appear to exist; and

WHEREAS the Process of Maritime Attachment and Garnishment would command that the United States Marshal or other designated process server attach any and all of Defendant's property within the Southern District of New York; it is hereby

ORDERED that Process of Maritime Attachment and Garnishment shall issue against all tangible or intangible property belonging to, claimed by, or being held for Defendant by any garnishees within this District, pursuant to Supplemental Admiralty Rule B; and it is further

ORDERED that any person claiming interest in the property attached or garnished pursuant to said order shall, upon application to the Court, be entitled to a prompt adversary hearing, at which Plaintiff shall be required to show why the order of attachment and garnishment should not be vacated; and it is further

ORDERED that supplemental process enforcing this Court's order may be issued by the Clerk upon application within thirty (30) days without further order of the Court; and it is further

ORDERED that following initial service by the United States Marshal or other designated process server upon each garnishee, that supplemental service of the Process of Maritime Attachment and Garnishment, as well as this Order, may be accomplished by email, facsimile transmission, or other verifiable electronic means, provided that such supplemental service accords with the garnishee's written rules or policies regarding service, if any. Such supplemental service shall be deemed to be made within the District if a natural person within the District caused the service to be transmitted to a garnishee having an office within the District; and it is further

ORDERED that service on any garnishee as described above is deemed effective for the length of time and to the extent that the garnishee's written rules or policies so provide; and it is further

ORDERED that a copy of this Order be attached to and served with the Process of Maritime Attachment and Garnishment; and it is further

ORDERED that if any of Defendant's property is attached, Plaintiff shall give prompt notice to Defendant of the attachment. Such notice shall be in writing, and may be given outside of the District by telex, telegram, cable, fax, or other verifiable electronic means; and it is further

ORDERED that, in the event that Plaintiff becomes fully secured on its claims herein, Plaintiff shall notify the Court within five (5) days, such that the Court may dismiss the action while maintaining the availability of the attached funds or a reasonable substitute as security for an award or settlement agreement; and it is further

ORDERED that the Writ of Maritime Attachment and Garnishment authorized herein shall remain in effect for an initial period of ninety (90) days. Prior to its expiration, Plaintiff may request renewal upon showing of sufficient reason to maintain this order in place. Plaintiff shall include with the request a report stating: (a) the amount of any attached funds; (b) whether and when arbitration pursuant to the charter party, or other litigation, has been, or will be, instituted, and the status of such arbitration or litigation; (c) a commitment to update such report every ninety (90) days; and (d) any other relevant information concerning the utility of the continuing attachment and the status of the controversy between or among the relevant parties. In the event that a request for renewal and report are not submitted timely and with the frequency and quality required by this order, the order of attachment will be vacated, and this lawsuit will be dismissed.

SO ORDERED.

Dated: September 3, 2009
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge